



JC09 Rec'd PCT/PTO 15 JUN 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION

In re PATENT APPLICATION of Inventor: C. MEARS et al	Group Art Unit: Unknown
Appln. No: 09/763,089	Examiner: Unknown
Filed: February 16, 2001	Atty. Dkt: 29925-169801
Title: APPLICATOR AND DISPENSING DEVICE USING SAME	Date: June 15, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**TRANSMITTAL**

Enclosed Please find a Response to the Notice to File Missing Requirements dated March 15, 2001. The following are enclosed in response:

- (1) A copy of the Notice to File Missing Requirements;
- (2) Declaration;
- (3) A Request for a two-month Extension of Time;
- (4) Copies of Two Notifications of a Change from the International Bureau indicating that Lawrence Levine and Harvey Levine are to be added as inventors in the U.S. application.

When considered with the previously submitted documents, Applicants respectfully submit that the requirements of 37 CFR § 1.497(a) and (b), and 37 CFR § 1.66 and 1.68 in particular, have been met.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

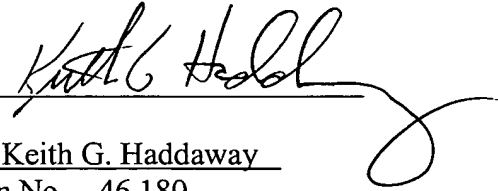
1. "Small Entity" Status is claimed.	Claims Remaining After Amendment	Highest Number Previously Paid for	Additional Fee Present Extra
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1.	Small Entity					
2.	Total Effective Claims	30 minus	30	= 0	x \$18/\$9 =	\$ 0
3.	Independent Claims	3 minus	3	= 0	x \$80/\$40 =	\$ 0
4.	Two-month Extension of Time fee					\$195
5.	Surcharge - Late filing fee or oath or declaration (\$130/65)					\$ 65
6.					<b>TOTAL</b>	<b>\$260</b>

A check in the amount of \$260 is attached.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, including any fees for extension of time, which are required for entry of the attached documents but which have not been specifically requested, or credit any overpayment to Deposit Account No. 22-0261.

**Venable, Baetjer, Howard and Civiletti, LLP**  
**P.O. Box 34385**  
**Washington, D.C. 20043-9998**  
**Tel. (202) 962-4800**  
**Fax (202) 962-8300**

Signature:   
Attorney: Keith G. Haddaway  
Registration No. 46,180

Atty/Sec:KGH/sat  
#295214

06/19/2001 SNAJARRO 00000101 09763089

01 FC:254	65.00 OP
02 FC:216	195.00 OP



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/763089	MEARS	C
		29925-152086
INTERNATIONAL APPLICATION NO.		
PCT/US99/18738		
I.A. FILING DATE	PRIORITY DATE	
18 AUG 99	18 AUG 98	
DATE MAILED: 15 MAR 2001		

KEITH G HADDAWAY  
VENABLE  
PO BOX 34385  
WASHINGTON, DC 20043 9998

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☐ a non-English language.
  - ☒ English.
- ☐ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed FEB 16 2001 and 29925-152086
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_
- ☒ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☐ Other:

Docketing

Missing Requirements due April 15, 2001

du

MAR 19

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
  - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

John L. Anderson

Telephone: 703-308-9116



# PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF THE RECORDING OF A CHANGE

(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

GOLIN, MICHAEL A.  
Veneable, Baetjer, Howard &  
Civiletti, LLP  
P.O. Box 34385  
Washington, DC 20043-9998  
ETATS-UNIS D'AMERIQUE

MAR 26

Date of mailing (day/month/year) 15 March 2001 (15.03.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference A008-3221PCT	
International application No. PCT/US99/18738	International filing date (day/month/year) 18 August 1999 (18.08.99)

1. The following indications appeared on record concerning:

☒ the applicant ☒ the inventor ☐ the agent ☐ the common representative

Name and Address	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address LEVINE, Harvey 255 Woodside Circle Fairfield, CT 06432 United States of America	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

3. Further observations, if necessary:

Additional applicant/inventor for the US only.

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned  
☐ the International Searching Authority ☒ the elected Offices concerned  
☒ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Maria Victoria CORTIELLO Telephone No.: (41-22) 338.83.38
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Addressee's fax number: 703 30 659

**WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)**  
**ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)**

**PCT**

(Patent Cooperation Treaty)

34, chemin des Colombettes - 1211 Geneva 20 - Switzerland  
Tel (41-22) 338 9111 - Telex 412 912 ompi ch - Facsimile (41-22) 733 5428  
**PCT Facsimile (41-22) 740 1435**

**Facsimile/Télécopie****Date : 17 December 2001 (17.12.01) Fax: 703 308 6459**

**To : United States Patent and Trademark Office**  
**Attn.: Dan Stemmer**  
**PCT Legal Examiner**  
**Office of PCT Legal Administration**

**RECEIVED****17 DEC 2001**

Legal staff  
International Division

**File Reference: A008-3221PCT****From : Ms Agnes Wittmann-Regis****Telephone: (41-22) 338 9033****Email address: agnes.wittmann@wipo.int****Concerns: PCT/US99/18738****Number of pages including cover sheet : 4****Dear Dan,**

**Further to your e-mail requests of 14 November and 05 December 2001, please find attached copies of Forms PCT/IB/306.**

**With best regards,**

  
**Agnes Wittmann-Regis**  
**PCT Information Service**

## PCT COOPERATION TREATY

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PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

GOLIN, MICHAEL A.  
Veneable, Baetjer, Howard &  
Civiletti, LLP  
P.O. Box 34385  
Washington, DC 20043-9998  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 15 March 2001 (15.03.01)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference A008-3221PCT	
International application No. PCT/US99/18738	International filing date (day/month/year) 18 August 1999 (18.08.99)

1. The following indications appeared on record concerning:	
<input checked="" type="checkbox"/> the applicant	<input checked="" type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative
Name and Address	State of Nationality US
	State of Residence US
	Telephone No.
	Facsimile No.
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:	
<input checked="" type="checkbox"/> the person	<input type="checkbox"/> the name <input type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence
Name and Address LEVINE, Harvey 255 Woodside Circle Fairfield, CT 06432 United States of America	State of Nationality US
	State of Residence US
	Telephone No.
	Facsimile No.
3. Further observations, if necessary: <b>Additional applicant/inventor for the US only.</b>	
4. A copy of this notification has been sent to:	
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input checked="" type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Maria Victoria CORTIELLO
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

## PCT COOPERATION TREATY

21

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NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

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Veneable, Baetjer, Howard &  
Civiletti, LLP  
P.O. Box 34385  
Washington, DC 20043-9998  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 15 March 2001 (15.03.01)	
Applicant's or agent's file reference A008-3221PCT	IMPORTANT NOTIFICATION
International application No. PCT/US99/18738	International filing date (day/month/year) 18 August 1999 (18.08.99)

1. The following indications appeared on record concerning: <input checked="" type="checkbox"/> the applicant <input checked="" type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative		
Name and Address	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input checked="" type="checkbox"/> the person <input type="checkbox"/> the name <input type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence		
Name and Address LEVINE, Lawrence, T. #3 Austin Drive Easton, CT 06612 United States of America	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
3. Further observations, if necessary: Additional applicant/inventor for the US only.		
4. A copy of this notification has been sent to: <input checked="" type="checkbox"/> the receiving Office <input type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the International Searching Authority <input checked="" type="checkbox"/> the elected Offices concerned <input checked="" type="checkbox"/> the International Preliminary Examining Authority <input type="checkbox"/> other:		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Maria Victoria CORTIELLO Telephone No.: (41-22) 338.83.38
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## PATENT COOPERATION TREATY

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Administrative Instructions, Section 422)

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GOLIN, MICHAEL A.  
Veneable, Baetjer, Howard &  
Civiletti, LLP  
P.O. Box 34385  
Washington, DC 20043-9998  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 11 May 2000 (11.05.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference A008-3221PCT	
International application No. PCT/US99/18738	International filing date (day/month/year) 18 August 1999 (18.08.99)

1. The following indications appeared on record concerning:	
<input type="checkbox"/> the applicant	<input type="checkbox"/> the inventor <input checked="" type="checkbox"/> the agent <input type="checkbox"/> the common representative
Name and Address ADAMS, Bruce, L. Adams & Wilks 31st floor 50 Broadway New York, NY 10004 United States of America	State of Nationality
	State of Residence
	Telephone No. (212) 809-3700
	Facsimile No. (212) 809-3704
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:	
<input checked="" type="checkbox"/> the person	<input checked="" type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence
Name and Address GOLIN, MICHAEL A. Veneable, Baetjer, Howard & Civiletti, LLP P.O. Box 34385 Washington, DC 20043-9998 United States of America	State of Nationality
	State of Residence
	Telephone No. (212) 809-3700
	Facsimile No. (212) 809-3704
3. Further observations, if necessary:	
4. A copy of this notification has been sent to:	
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input type="checkbox"/> the elected Offices concerned
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Lazar Joseph Panakal
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38



\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	7895
CONNECTION TEL	++4122 338 83 39
CONNECTION ID	PCT INFOLINE
START TIME	12/17(MO)11:18
USAGE TIME	01'24"
PGS.	4
RESULT	OK